



NSW GOVERNMENT
Department of Planning

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Anthony Kelly
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Our ref: MP 05_0197
File: 9041461-1

Dear Mr Kelly

Subject: Extension of Director-General's Requirements Request for MP 05_0197
Proposal: 80 Tourist Villas and Conference Centre, Avoca Drive, Kincumber

Thankyou for your correspondence dated 9 February 2009, requesting an extension to the Director-General's Requirements (DGRs) on behalf of the owner / applicant for the Project Application - 80 Tourist Villas and Conference Centre, Avoca Drive, Kincumber - MP 05_0197.

Under delegation of the Director-General, I have formed the opinion that a 24 month extension is acceptable. Therefore the revised expiry date for the DGRs is 3 March 2011.

Due to the time that has elapsed since the DGRs were issued in February 2007, the Department has reviewed and updated them to reflect current policies and guidelines, pursuant to section 75F(3) of the *Environmental Planning and Assessment Act, 1979* (the Act).

The updated DGRs are attached to this correspondence as **Attachment 1**. Copies of the responses from government agencies to the Department's request for key issues and assessment requirements in 2006 are enclosed at **Attachment 2**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the Environmental Assessment. Also some of the agencies have since changed. For example, the Department of Natural Resources was abolished in April 2007 with its functions split between the Department of Water and Energy, the Department of Environment and Climate Change NSW and the Department of Lands.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department will consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

The Departments previous letter of 5 February 2007 highlighted comments provided by the Roads and Traffic Authority (RTA) who raised the issue of possible road widening along Avoca Drive. You are reminded that you will need to consult with the RTA to establish an appropriate planning outcome prior to the lodgement of your Environmental Assessment.

If you have any enquiries about these requirements, please contact Mark Brown on 02 9228 6385 or via e-mail at mark.brown@planning.nsw.gov.au.

Yours sincerely



Jason Perica
Executive Director
Strategic Sites & Urban Renewal

3/3109

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 05_0197
Project	A Project Application for the construction of: <ul style="list-style-type: none">• 80 tourist villas and conference centre
Location	Lot A DP 449600 & Lot 2 DP 976799, 253 Avoca Drive, Kincumber
Proponent	E & D Bourke
Date issued	3/3/2009
Expiry date	If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.
Key issues (Core)	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none">1. Relevant EPI's policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:<ul style="list-style-type: none">• Objects of the EP&A Act• SEPP (Infrastructure) 2007• SEPP 71 – Coastal Protection• IDO No. 122• Coastal Design guidelines of NSW, 2003• NSW Coastal Policy, 1997• Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.2. Flora and Fauna The EA shall address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment.3. Built Form The EA shall address the height, bulk and scale of the proposed development within the context of the locality and mitigate potential impacts relating to the loss of solar access, acoustic privacy, visual privacy, view loss and wind impacts. The development is to achieve a high level of environmental and residential amenity and is to incorporate passive design principles.4. Urban Design The EA shall address the design quality with specific consideration of the façade, massing, setbacks, building articulation, use of appropriate colours, materials/finishes, landscaping, safety by design and public domain.5. Landscaping and Public Domain The EA shall provide details on the interface between the proposed uses and the public domain, and the relationship to and impact upon the existing public domain and address the provision of linkages with and between other public domain spaces.

6. Car parking

The EA must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines (**Note:** The Department supports reduced car parking rates in areas well-served by public transport).

7. Transport and Accessibility (Construction and Operational)

The EA shall provide a Transport and Accessibility Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages.

8. Ecologically Sustainable Development (ESD)

The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.

9. Drainage and Flooding

The EA shall address drainage/flooding issues associated with the development/site, including: stormwater, the potential effects of climate change and an increase in rainfall intensity, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.

10. Contributions

The EA shall address Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement.

11. Contamination

The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55 - Remediation of Land.

12. Acid Sulphate Soils

The EA shall identify and document the presence and extent of acid sulfate soils on the site and appropriate mitigation measures to comply with the *Acid Sulfate Soils Manual*, ASSMAC, 1998.

13. Geotechnical

The EA shall provide a geotechnical report addressing the stability of the land, having regard to any proposed earthworks, cut and fill and provided details of finished levels.

14. Bushfire

The EA must demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection (PBP) 2006* with all APZ's to be located within the proposed lots.

15. Staging

The EA must include details regarding the staging of the proposed development (if proposed).

16. Public Access and Community Services

Illustrate pedestrian and cyclist linkages in the vicinity of the site and provide additional walkway/cycleway facilities where appropriate.

17. Tourism

The proposal should be consistent with the objectives of the tourism planning framework for NSW, including *Towards 2020 – the NSW Tourism Masterplan*, Tourism New South Wales, 2002 and any local tourism plans or strategies.

	<p>18. Utilities In consultation with relevant agencies, the EA shall address the existing capacity and requirements of the development for the provision of utilities (sewerage, water, electricity, telecommunications, waste disposal and gas), including staging of infrastructure works.</p> <p>The EA shall also address potential impacts of on-site effluent disposal system having regard to <i>On-site Sewage Management for Single Households</i>, EPA NSW et al, 1998, <i>Environmental Guidelines for the Utilisation of Treated Effluent by irrigation</i>, DEC, 2004, and <i>National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management</i>, ARMCANZ/ANZECC, 1997.</p> <p>19. Heritage The EA shall identify whether the site has significance to Aboriginal cultural heritage and prepare an independent Archaeological report must be included in the Environmental Assessment which address the provisions of the draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment & Community consultation</i>, DEC, July 2005 and the <i>Aboriginal Cultural Heritage: Standards and Guidelines Kit</i>, DEC, 1997.</p> <p>Identify any other items of European heritage significance and provide measures for conservation of such items including the preparation of a heritage impact statement and other applicable reports, prepared in accordance with the <i>Heritage Manual</i>, (NSW Heritage Office & DUAP 1996) and in consultation with any requirements of the NSW Heritage Office.</p> <p>20. Environmental and Construction Management Plan</p> <p>The EA shall provide an Environmental and Construction Management Overview for the proposed works and address the impact of the proposal upon:</p> <ul style="list-style-type: none"> • Noise and vibration impacts on and off site • Air quality impacts on the neighbourhood • Water quality management for the site • Waste and chemical management <p>21. Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p>
Deemed refusal period	60 days

Plans and Documents to accompany the Application

<p><u>General</u></p>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, areal photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP); and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
<p><u>Plans and Documents</u></p>	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed; • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground; • any changes that will be made to the level of the land by excavation, filling or otherwise;.

	<p>5. Other plans (to be required where relevant):</p> <ul style="list-style-type: none"> • Stormwater Concept Plan - illustrating the concept for stormwater management; • Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; • Geotechnical Report – prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons; • View Analysis - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas; • Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. • Shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.
<p><u>Documents to be submitted</u></p>	<ul style="list-style-type: none"> • 1 copy of the EA, plans and documentation for the Test of Adequacy; • 12 hard copies of the EA (once the EA has been determined adequate); • 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.